

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FABIAN E. GAGE,)	
)	
Petitioner,)	
)	
v.)	
)	
DJ HARMON, <i>Warden, FCI Seagoville,</i>)	
)	
Respondent.)	Civil Action No. 3:17-CV-1650-C-BK

ORDER

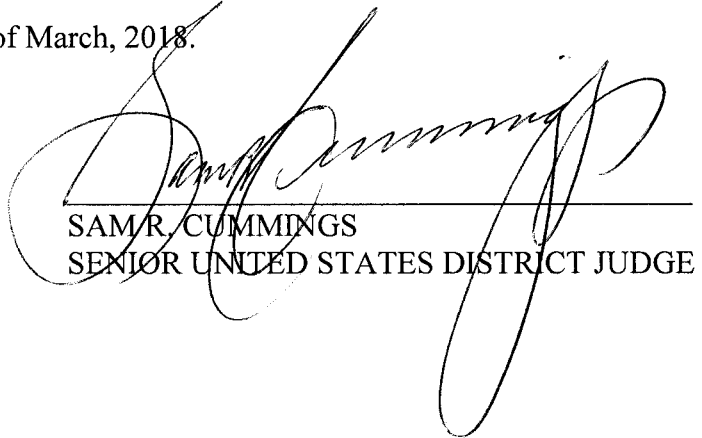
Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising that Petitioner's *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2241 be dismissed without prejudice for lack of jurisdiction. Petitioner failed to file any objections and the time to do so has now expired.

The Court has reviewed the Findings, Conclusions, and Recommendation for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the above-styled and -numbered petition under 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

All relief not expressly granted by this Order is **DENIED**. Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability should be denied. Petitioner has failed to show that a reasonable jurist would find (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and

“debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 9th day of March, 2018.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE